

401 COMPLIANCE WITH STATE ENVIRONMENTAL LAWS AND REGULATIONS

Most encroachment permits issued by Caltrans do not involve projects that are federally funded or that require federal approvals. Projects with no federal involvement are subject only to state environmental laws and regulations. Under state law Caltrans has discretionary approval authority, as provided in Section 670 of the Streets and Highway Code, to approve projects that encroach on the State's highway right of way. This discretionary authority gives Caltrans a "Responsible Agency" status under the California Environmental Quality Act (CEQA) for the part of a project that requires work within the State's highway right of way. For purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

For example, the increased traffic generated by construction of a residential subdivision could require installation of channelization on a State highway intersection to lessen the traffic impact. The "Lead Agency," is the public agency, that has principal responsibility for carrying out or approving the whole project. In this example, the Lead Agency would normally be the local agency that approves the subdivision and provides final conditions of approval on the project. Caltrans would, in this situation, be a Responsible Agency because it has discretionary approval authority only over the channelization improvements within the State's right of way but not over the subdivision itself.

Whether the encroachment permit applicant is a public agency or a private entity, a public agency other than Caltrans is usually the Lead Agency. An exception to this situation would be if Caltrans is the only public agency with approval authority or if several public agencies have discretionary authority over the project and the public agencies involved agree that Caltrans should be the Lead Agency. When Caltrans is the Lead Agency under CEQA for projects sponsored by others, it determines the appropriate level of environmental review for the project and is responsible for preparing documents or causing them to be prepared. As a Lead Agency, Caltrans can require the applicant to provide all information necessary to prepare a CE, a ND or an EIR that complies with the provisions of CEQA.

Legislation has imposed a 60-day time limit on the encroachment permit process (Streets and Highway Code, Section 671.5). In addition to other required documentation, Caltrans requires that an approved environmental document accompany the Standard Encroachment Permit Application (see Appendix D). All required documentation, including environmental, must accompany the encroachment permit application before Caltrans deems the application complete. This is the case regardless of whether Caltrans is the Responsible or the Lead Agency. No new information can be required from an applicant once the application form with its accompanying documentation has been accepted as complete. However, the applicant can be asked to clarify, correct, or otherwise supplement the information submitted.

402 PROJECTS EXEMPT FROM CEQA REQUIREMENTS

Certain types of projects are exempt from the requirements of CEQA. Statutory exemptions are granted by the legislature and are listed in the CEQA Guidelines sections 15260 through 15285.

Categorical exemptions are classes of projects, which have been found by the Secretary of Resources not to have significant effect on the environment. Classes of projects determined to be categorically exempt are listed in the CEQA Guidelines sections 15300 through 15332.

In addition, other State laws, including those that protect historical, archaeological, and biological resources, may apply even for projects exempt from CEQA. Where these resources are known or are highly likely to be found, review by the District Environmental Branch is necessary to ensure compliance. To facilitate Permit Branch review of applications, the District Environmental Branch is responsible for providing to the District Permit Engineer the locations of all known environmentally sensitive areas (ESA) and if known, likely areas of high sensitivity, within State rights of way. The absence of an ESA or area of high sensitivity, however, does not necessarily mean the absence of a sensitive resource.

Whether an area has been previously identified as an ESA or not, any permit application for work within the right of way that is on original ground (i.e. ground that has not been previously disturbed, or that has not been disturbed to the depth required by the proposed project), shall be submitted to the Environmental Branch for review. The Environmental Branch shall advise the District Permit Engineer if the proposed work can be accomplished without adverse impact through the attachment of permit conditions that would protect or avoid the resource. A project that requires mitigation to reduce or avoid impacts to resources is not categorically exempt under CEQA. When mitigation is required a ND or EIR must be prepared.

402.1 CEQA Statutory Exemptions

Statutory exemptions listed in the CEQA Guidelines that are directly applicable to encroachment permits include, but are not limited to:

- restriping of streets or highways to relieve traffic congestion (Section 15282(k))
- installation, maintenance, and repair of pipelines not to exceed one mile in length (Section 15282(l))
- minor alterations to utilities for purposes of complying with Health and Safety Code (Section 15282(n))
- emergency projects that meet the criteria set forth in Section 15269

An emergency is defined in CEQA as a state of emergency that has been proclaimed by the Governor pursuant to the California Emergency Services Act. Statutorily exempt emergency projects include:

- projects undertaken or carried out to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster
- Emergency repairs to a public service facility that is necessary to maintain service essential to public health and safety.
- specific actions that are necessary to prevent or mitigate an emergency, excluding long term projects for the purpose of preventing or mitigating a situation that has low probability of occurrence in the short-term.

- projects undertaken, carried out, or approved by a public agency to maintain, repair or restore an existing highway damaged by fire, flood, storm, earthquake or subsidence.

Projects or actions which could alter significant historical resources are not included in this exemption, except when the resource's condition poses a clear and imminent danger requiring immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services (Public Resources Code, Section 5028).

A historical resource (e.g. architectural, archaeological, and cultural) is defined in Public Resources Code Section 21084.1 as a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for the purpose of Section 21084.1.

The emergency exemption also does not apply to highways designated as official state scenic highways or to any expansion or widening of highways damaged by natural disasters.

Other State laws that protect historical, archaeological and biological resources also may apply.

The CEQA Guidelines, Statutory Exemptions Section, should always be consulted to ensure that a project, as described, meets all the specific criteria of an exemption.

402.2 CEQA Categorical Exemptions

To be classified as categorically exempt from CEQA, a project must meet all the criteria within one of the classes of projects found by the Secretary for Resources not to have a significant effect on the environment. Categorically exempt projects directly applicable to encroachment permit activities include, but are not necessarily limited to:

- repair, maintenance, and minor alteration to existing highways and streets, sidewalks, gutters, bicycle and pedestrian paths and similar facilities including grading for the purposes of public safety (Section 15301(c))
- addition of safety or health protection devices for use during construction (Section 15301(B)(f))
- new copy on existing on and off-premise signs (Section 15301(B)(g))
- maintenance of existing landscaping excluding the use of economic poisons (Section 15301(B)(h))
- demolition and removal of small structures (Section 15301(B)(l))
- replacement or reconstruction of existing structures located on the same site and having substantially the same purpose and capacity (Section 15302)
- replacement or reconstruction of existing utility systems involving no expansion of capacity (Section 15301(c))
- conversion of overhead electric utility distribution system facilities to underground where surface is restored to prior condition (Section 15302(d))
- construction and location of limited number of new, small, facilities (Section 15303)

- minor alterations to land, water and vegetation that does not involve the removal of healthy mature scenic trees (Section 15304)
- grading on land with a slope of less than 10% except in a waterway, in any wetland, or in an officially designated scenic area (Section 15304(a))
- new gardening and landscaping (Section 15304(b))
- fill into previously excavated land (Section 15304 (c))
- minor temporary use of land with negligible effect on environment such as sale of Christmas trees (Section 15304(e))
- minor trenching or backfill where the surface is restored (Section 15304(f))
- maintenance trenching (Section 15304(g))
- creation of bicycle lanes in existing right of way (Section 15304(h))
- fuel management activities within 30 feet of structures to reduce volume of flammable material (Section 15304(I))
- basic data collection, research, experimental management and resource evaluation activities (Section 15306)

The CEQA Guidelines, Categorical Exemption Section, should always be consulted to ensure that a project, as described, meets all the specific criteria of an exemption.

It is recognized that activities that normally are exempt from CEQA may have a significant effect on the environment in certain circumstances. Exceptions to categorical exemptions are outlined in the CEQA Guidelines in Section 15300.2. These exceptions may occur in particularly sensitive environments where the project may impact on environmental resources of hazardous or critical concern. Categorical exemptions may not be applicable when:

- cumulative impacts may be significant
- there is a reasonable possibility that due to unusual circumstances the activity will have significant effect
- damage may result to scenic resources within a highway officially designated as a state scenic highway
- the project is located on a hazardous waste site
- the project might cause a substantial adverse change in the significance of an historical resource

Review by the District Environmental Branch is necessary when the above conditions may pertain or if there is any other reasonable possibility that a significant impact might occur.

403 CALTRANS AS A CEQA RESPONSIBLE AGENCY

Under CEQA Responsible Agencies include all public agencies, other than the Lead Agency, which have discretionary approval power over a project in California (Public Resources Code, Sections 21069, 21080.3).

The Department is a Responsible Agency when a public agency requests an encroachment permit for a public project, or when a private project proponent requests an encroachment permit to carry out work on a project for which another public agency is the Lead Agency. When a project

involves activities outside Caltrans right of way, the entire project requires environmental compliance and encroachment permit work usually is incidental to the major part of the work that lies outside Caltrans' right of way. Therefore, Caltrans normally is a Responsible Agency for nearly all the fee encroachment permits it issues. However, Department Project Development requirements must be followed when work on the State highway is more than minor or routine.

As a Responsible Agency, Caltrans is not required to prepare environmental documentation for the project. The Lead Agency is responsible for evaluating the project to assess its effect on the environment. The Lead Agency consults with responsible agencies, including Caltrans, in deciding what type of environmental document to prepare. The environmental document should address the concerns of responsible agencies as well as the Lead Agency.

Consultation requests submitted to the district by the Lead Agency are channeled through the District Intergovernmental Review (IGR) Coordinator for preparing and coordinating the district's comments. The IGR Coordinator shall be consulted on all permit requests accompanied by an EIR or ND. The district cooperates with the Lead Agency in consultations about the project. Responses must be made within the time allowed. The IGR Coordinator is responsible for ensuring that appropriate district units review and comment on the proposal and for preparing comments on documents received by the district. The district should advise local agencies of its need for early coordination on projects requiring permits from Caltrans.

In cases where the encroachment area has been identified as environmentally sensitive or may contain biological, historic or archeological resources, the IGR should consult with the District environmental specialists regarding the need for special studies. If the Lead Agency is preparing a categorical exemption the IGR should coordinate with the District specialists regarding the appropriateness of an exemption in the specific circumstance. If the Lead Agency is preparing an ND or EIR the IGR should coordinate with the District environmental specialists to comment prior to the receipt of the permit application. During the public review period for the environmental document, the district has an opportunity to examine the document and to comment on it. The comments of the environmental specialists regarding environmental compliance and documentation requirements should be included in the District's comment letter to the Lead Agency. Comments should encourage the Lead Agency to consult with the Native American Heritage Commission (NAHC) regarding any cultural concerns within the project area. If the project is within or contiguous to a reservation or rancheria, the District's comments shall include a recommendation that the tribe be contacted.

A permit application must include a Notice of Exemption or a certified environmental document (EIR or ND). For permits involving an EIR or ND, the Permit Engineer must certify on the permit that the information in the EIR or ND was reviewed and considered before permit approval.

403.1 Intergovernmental Review (IGR) and Permit Procedures

During the intergovernmental review process and before issuance of the encroachment permit, the procedure involving the District Permit Engineer for projects requiring environmental clearance or mitigation is listed as follows:

1. The District IGR Coordinator provides the District Permit Engineer with a copy of the

draft environmental document and any supporting technical analysis provided by the Lead Agency or developer.

2. The District Permit Engineer's comments on the draft environmental document are submitted to the IGR Coordinator for inclusion in Caltrans' written response to the Lead Agency.
3. The District IGR Coordinator forwards to the District Permit Engineer a copy of the final environmental document containing all adopted approved conditions.

The District Permit Engineer should provide the District IGR Coordinator a copy of the Encroachment Permit Log on a mutually agreed upon schedule, e.g., weekly, monthly, etc. The District IGR Coordinator should review the Log and determine if the project was previously reviewed during the IGR process (more detailed information may be needed from specific permit files). The IGR Coordinator may then provide the District Permit Engineer with a list of mitigation measures requested during IGR/CEQA review process and a copy of the conditions of project approval included in the final environmental document.

The IGR Coordinators and permit engineers should not give any approval of project alternatives (either direct or implied) which will encroach on State highways having controlled access right of way (freeways and expressways). Such encroachments require approval from Headquarters' Division of Design.

404 CALTRANS AS A CEQA LEAD AGENCY

A Lead Agency is responsible for preparing environmental documents and approving the project. The following procedures are followed when Caltrans is the Lead Agency under CEQA.

404.1 Procedures

Applications for permits that require preparation by Caltrans of a Categorical Exemption Determination form, a ND or a EIR are evaluated by the Permit Engineer, the Environmental Branch Chief, and other interested units as appropriate. Caltrans requires the project applicant to provide sufficient information so that Caltrans can prepare or cause the preparation of environmental documents. However, when Caltrans is the Lead Agency all environmental documents must reflect the independent evaluation and analysis of Caltrans.

404.2 Initial Study

If a project is not categorically exempt, an Initial Study must be prepared to determine the potential environmental effects of the project. From this study, Caltrans determines whether to prepare a ND or a EIR.

404.3 Environmental Impact Report or Negative Declaration

When an ND or EIR is required the entire project must be considered, not just the portion of the work within Caltrans' right of way.

The procedures for preparing and processing environmental documents are outlined in the Caltrans Environmental Handbook, Vol. 1, Chapter 2. The environmental process is completed for a ND when Caltrans, as the Lead Agency approves the project and files a Notice of Determination with the State Clearinghouse, Governor's Office of Planning and Research.(OPR) The process is complete for an EIR when Caltrans certifies the EIR, approves the project, prepares a final EIR, makes findings, prepares a statement of overriding considerations, and files a Notice of Determination with the State Clearinghouse (OPR).

405 COMPLIANCE WITH FEDERAL ENVIRONMENTAL LAWS

Projects involving federal funds or approvals require compliance with the National Environmental Policy Act (NEPA), Section 4(f), as well as State environmental law (CEQA) and other State and federal environmental laws that may apply. In addition, state laws environmental laws may apply. Where historical, archaeological, and biological resources are known or are highly likely to be found, review by the District Environmental Branch is necessary to ensure compliance.

Compliance with federal laws and regulations may involve the preparation of NEPA documents or joint compliance documents that meet both federal and state requirements (e.g. a Categorical exemption/exclusion (CE/CE), a Finding of No Significant Impact /Negative Declaration (FONSI/ND), or an Environmental Impact Statement/Environmental Impact Report (EIS/EIR)), Caltrans can require the applicant to provide all necessary information and/or to prepare the environmental document. Requirements of the federal and State environmental acts are similar and the supporting documentation is generally compatible. Therefore, it usually is possible to perform a single environmental analysis that satisfies both federal and State requirements when federal approval is required. When preparing joint documents the stricter of the federal or State requirements take precedence. While most of the document's content and processing can be combined, some aspects of the environmental process require separate state/local and federal actions. Examples include, but are not limited to the following:

1 Approval Procedures

State and federal agencies must take separate actions in the approval of environmental documents. FHWA issues determinations and approvals involving federal-aid projects and the National Environmental Policy Act. The State or local Lead Agency adopts the environmental document and approves the project under CEQA.

Categorical exemptions/exclusions are documented on the Department's *Categorical Exemption, Categorical Exclusion/Programmatic Categorical Exclusion Determination Form* available on line at www.dot.ca.gov/hq/env/envman/envdoc.htm. When a project has federal involvement both the CEQA and NEPA portions of the form must be completed. To comply with CEQA the CE form is filed with the State Clearinghouse, Governor's Office of Planning and Research (OPR). For purposes of federal compliance the form is processed differently depending on whether the federal exclusion is programmatic categorical or categorical (see Section 405.1 and 405.2).

When a Negative or Mitigated Negative Declaration/FONSI has been prepared the Lead Agency must file a Notice of Determination with the State Clearinghouse (OPR). In compliance with NEPA the federal agency must prepare a statement which sets forth its finding that the project will have no significant impact. This finding is attached to the Environmental Assessment for the project. The documents are then forwarded to the District Permit Engineer for filing before issuing a permit.

When an EIR/EIS has been completed the state or local Lead Agency must make findings and adopt a statement of overriding consideration for any impacts that are not mitigated below a level of significance. The federal agency must prepare a Record of Decision (ROD).

2. Circulation Requirements

State and federal circulation requirements differ for the ND and FONSI. Unlike CEQA NDs, FONSIIs do not have a specified public comment period. Caltrans applies the state requirement of a 30-day public circulation period for joint documents.

3. Categorical Exclusions/ Categorically Exemption Differences

CEQA lists 32 standard categories of exemptions to which all state and local agencies must adhere. By contract, each federal agency adopts its own list of categorical exclusions that differ from agency to agency. FHWA has adopted exclusions which are listed in 23 CFR 771.117 (see Section 405.1). Under the authority provided in Section 771.117(d) Caltrans and FHWA have concurred through a programmatic agreement on additional actions which are deemed to have no environmental impact (See Section 405.2)

Documentation for state exempt projects must include information as to whether the project is statutorily or categorically exempt, and if the latter, under what class of exemptions. Documentation for federal exclusions must indicate if the project is a programmatic categorical exclusion (PCE) or a categorical exclusion (CE). For projects with federal involvement both the CEQA portion and the NEPA portion of the CE form is completed. If the project is exempt under 23 CFR 771.177 or falls under the provisions of the 1990 programmatic agreement no federal agency review or concurrence is required for either local agency projects or projects on the state highway system. If the project is not a programmatically excluded action, the signed CE form is forwarded to FHWA for signature by the FHWA Transportation Engineer.

405.1 FHWA Categorical Exclusions

The following actions defined in 23 CFR 771.177 are excluded as actions that normally do not involve significant environmental impact and require no approval actions by FHWA. For these actions the NEPA section of CE form is completed, but the FHWA Transportation Engineer does not sign the form.

- The actions does not have any significant environmental impacts as described in 23 CFR 771.117(a);

- The actions does not involve unusual circumstances as described in 23 CFR 771.117(b);
- Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR part 630; approval of project concepts under 23 CFR part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
- Approval of utility installations along or across a transportation facility.
- Construction of bicycle and pedestrian lanes, paths, and facilities.
- Activities included in the State's highway safety plan under 23 U.S.C. 402.
- Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
- The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- Landscaping.
- Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
- Emergency repairs under 23 U.S.C. 125.
- Acquisition of scenic easements.
- Determination of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation.
- Improvements to existing rest areas and truck weigh stations.
- Ridesharing activities.
- Bus and rail car rehabilitation.
- Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- Track and railbed maintenance and improvements when carried out within the existing right-of-way.
- Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- Promulgation of rules, regulations, and directives.

405.2 Programmatic Exclusions (1990 Programmatic Agreement)

In addition, Caltrans and FHWA have agreed through the Programmatic Agreement, September 7, 1990, that additional actions programmatically are approved if they meet all of the conditions

listed below. These actions require no approval actions by FHWA. For these actions the NEPA section of CE form is completed, but the FHWA Transportation Engineer does not sign the form. Actions which qualify under 23 CFR 771.117(d) and do not involve the following:

- The acquisition of more than minor amounts of temporary or permanent strips of right-of-way for construction of such items as clear vision corners and grading. Such acquisitions will not require any commercial or residential displacements.
- The use of properties protected by Section 4(f) of the Department of Transportation Act (49 USC 303).
- A determination of adverse effect by the State Historic Preservation Officer.
- Any US Coast Guard construction permits or any US Army Corps of Engineers Section 404 permits [other than nationwide (blanket) permits].
- Any work in wetlands.
- Any work permanently encroaching on a regulatory floodway of any work affecting the base floodplain (100-year flood) elevations of a watercourse or lake.
- Construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers published by the US Department of the Interior/US Department of Agriculture.
- Any changes in access control.
- The use of a temporary road, detour or ramp closure unless the use of such facilities satisfy the following conditions:
 - i. Provisions are made for access by local traffic and so posted.
 - ii. Through-traffic dependent business will not be adversely affected.
 - iii. The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival.
 - iv. The temporary road, detour, or ramp closure does not substantially change the environmental consequences of the action.
 - v. There is no substantial controversy associated with the temporary road, detour, or ramp closure.
- Any known hazardous materials sites or hazardous materials remains within the right-of-way.
- The action conforms to the Air Quality Implementation Plan that is approved or promulgated by the Environmental Protection Agency in air quality nonattainment areas.
- The action is consistent with the State's Coastal Zone Management Plan.
- The action does not affect federally listed endangered or threatened species or critical habitat.

All determinations made by Caltrans under the programmatic approach must be documented. The documentation shall be available for FHWA review upon request.

If one or more of the above conditions are not satisfied the categorical exclusion requires the review and approval of FHWA. Separate environmental documentation which demonstrates that the specific conditions or criteria for the CE's is satisfied and that significant environmental the impacts will not result must be submitted to FHWA to support the classification. A categorical exclusion will not apply if there are any "unusual circumstances" (23 CFR section 771.17). Unusual circumstances include:

- significant environmental impacts
- substantial controversy on environmental grounds
- significant impact to properties protected under Section 4(f) or Section 106
- inconsistencies with any federal, state or local laws

406 STORM WATER MANAGEMENT

406.1 General

Discharges from storm water drainage systems associated with highways and highway-related properties, facilities, and activities, such as, construction, maintenance, operation of maintenance facilities, wet downs from filming, etc., may contain a variety of constituents that could adversely impact receiving waters. These storm water constituents include: soil contamination, exhaust products, brake and tire materials, oil and grease, trash, and a variety of other materials resulting from vehicular use and spillage. State and Federal environmental regulations require the mitigation of pollution from construction and other activities entering storm sewer systems.

To mitigate pollution penetration into water drainage systems, Caltrans developed the Statewide Storm Water Management Plan (SWMP). It describes the procedures and practices Caltrans uses to manage pollutants discharged from its storm water drainage systems. The plan responds to requirements established in the Caltrans Statewide National Pollution Discharge Elimination System (NPDES) Storm Water Permit (Order No. 99-06-DDWQ) adopted by the California State Water Resources Control Board (SWRCB) on July 15, 1999.

The California State Water Resources Control Board (SWRCB) develops Statewide policies and regulations for implementing the NPDES program. Enforcement of program provisions and its requirements is carried out by the nine Regional Water Quality Control Boards (RWQCB). The SWRCB interfaces with Caltrans Headquarters while RWQCB provides program oversight at the district level. This oversight includes compliance inspection, program tracking, coordination, and enforcement recommendations.

For additional information see Caltrans publication titled, “Statewide Storm Water Management Plan” and/or Caltrans web site: <http://www.dot.ca.gov/hq/env/stormwater/index.htm>.

406.2 District Responsibility

Each District Director assumes responsibility for implementing the Storm Water Management Plan (SWMP) and complying with its requirements.

Encroachment permits will contain language to require implementation of the SWMP that would otherwise have been implemented if Caltrans was directly conducting these activities. Inspection of these activities will occur to ensure compliance (see Water Pollution Control Provisions, Appendix K).

406.3 Storm Water Coordinators

Each district has NPDES Storm Water Coordinators serving as a point of contact for regulatory inquiries regarding the Statewide SWMP implementation and responding to public inquiries on water management issues.

406.4 Notification of Construction

The District Permit Engineer shall submit a formal notification to the appropriate Regional Water Quality Control Board (RWQCB) at least 30 days before the start of a construction project that will result in the disturbance of two hectares (5 acres) of soil. The Information should include: the tentative start date, project duration, location of construction, description of project, estimated number of affected acres, and the name and phone numbers of the Permit Inspector.

406.5 Non-Compliance

Instances of non-compliance that may significantly endanger health or the environment will be reported verbally to the RWQCB within 48 hours of the discovery of such instances.

Figure 4.1

TIME LIMITS FOR ENVIRONMENTAL ANALYSIS

